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| APPLICATION NO.                | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |  |
|--------------------------------|----------------|----------------------|-------------------------|------------------|--|
| 09 995,644                     | 11/29/2001     | Ken Sakai            | 36856.579               | 8177             |  |
| 7                              | 590 03 18 2003 |                      |                         |                  |  |
| Keating & Be                   | nnett LLP      | EXAMINER             |                         |                  |  |
| Suite 312<br>10400 Eaton Place |                |                      | CHANG, JOSEPH           |                  |  |
| Fairfax, VA 2                  | 2030           |                      | ART UNIT                | PAPER NUMBER     |  |
|                                |                |                      | 2817                    |                  |  |
|                                |                |                      | DATE MAILED: 03/18/2003 |                  |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary   |  |   |  | /_      |  |  |  |
|---|--|---|--|---------|--|--|--|
| Examiner   Art Unit   Juseph Crang   2817   |  | Application No.   | Applicant(s)   | ,       |  |  |  |
| Joseph Chang   Z817   |  | 09/995,644  | SAKAI, KEN   |         |  |  |  |
| — The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Elements of the internal processing of the process of 3 CTR 1 1560, In no evert, becaver, may a reply be finely filled and the processing of 3 CTR 1 1560, In no evert, becaver, may a reply be finely filled and the processing of 3 CTR 1 1560, In no evert, becaver, may a reply be finely filled and the processing of the | Office Action Summary  | Examiner  | Art Unit   |         |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Statustics of three may be another than the processors of 37 CFR 1 136(s). In no event, however, may a reply be limitly filled  - If the period for early specified above, the maximum statistory parties will apply within the statistory minimum of thinry (30) days will be considered limitly.  - If NO period for regly is specified above, the maximum statistory parties will apply and will expire 50% (5) MONTH's from the making date of this communication of the processor of the period for regly is specified above, the maximum statistory parties will apply and will expire 50% (5) MONTH's from the making date of this communication, event If Invely field, may reduce any searched plant of the specified above, the maximum statistory parties will apply and will expire 50% (5) MONTH's from the making date of this communication, event If Invely field, may reduce any search plant from a digital from 1 and |  |   |  |         |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE @ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension from langly baseful action for provision of 3 CPTR 11564, in no evert, however, may a reply be timely filled.  Extension from langly baseful action of 3 CPTR 11564, in no evert, however, may a reply be timely filed.  Extension from langly separated above is less than thirty (30) days, a reply whith the statutory minimum of thirty (30) days will be considered timely.  Extension from the set or established before the provision of the foreign part and lengths (30) MONTH file time studied date of this communication.  Faint action for provision and part of the foreign part of the filed part of the communication, even if limply field, may reacted any extension part of the communication.  This action is FINAL.  2b) This action is non-final.  3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-17 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) 1-17 is/are pending in the application.  4a) Claim(s) 1-18 and 11-17 is/are rejected.  7. Claim(s) 1-18 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 21 February 2002 is/are: all accepted or b) objected to by the Examiner.  Application Papers  11 approved, corrected drawings are required in reply to this Office action.  12 The eath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) some * c) None of:  1. Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 172, 49).  Acknowledgment is made       |  | pears on the cover sheet  | with the correspondence address  |         |  |  |  |
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| application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  1 Notice of Informal Patent Application (PTO-152)  | <u> </u>   |   |  |         |  |  |  |
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|   | 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) Notice   |  |         |  |  |  |

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#### **DETAILED ACTION**

### Claim Objections

Claims 16-18 are objected to because of the following informalities: Claim number 15 is missing from the claims. Appropriate correction is required.

For the continue examination, numbering of Claims 16-18 have been changed to 15-17.

#### **Drawings**

Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

# Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukada US Patent 4,205,274.

Tsukada discloses a communication apparatus (figure 1) comprising an oscillator circuit (1-6); and an amplifier circuit (10) for amplifying an oscillation signal from the

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oscillator circuit (2-6), the oscillator circuit and the amplifier circuit being connected to each other (circuit 10 and (1-6)); wherein the amplifier circuit includes an amplifier transistor (12), and a resistance changing unit (34,35,N,E,61,36,21,41) located between the emitter of the amplifier transistor and ground (see the figure). Regarding claim 2, a control voltage corresponds to the dotted line to Resonant circuit 4, a power supply (82), and output (N,E output of 52). Regarding claims 3-4 and 11-17, the figure shows a plurality of resistors, capacitors and switches. Regarding claim 11, the resistance changing unit is switched (61) according to the oscillation frequencies of the oscillation circuit (see dotted lines in the figure).

## Allowable Subject Matter

Claims 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Tsukada discloses communication apparatus (figure 2) comprising an oscillator circuit (2-6); and an amplifier circuit (10) for amplifying an oscillation signal from the oscillator circuit (2-6), the oscillator circuit and the amplifier circuit being connected to each other (circuit 10 and (2-6)); wherein the amplifier circuit includes an amplifier transistor (12), and a resistance changing unit (34,35,N,E,61,36,21,41) located between the emitter of the amplifier transistor and ground (see the figure). However, one of ordinary skill in the art would not have been motivated to have a resistor being

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connected between a collector and base of the amplifier transistor, as set forth in the claims.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harford discloses a gain controlled amplifier arranged in a common emitter configuration included a PIN diode as controllable impedance in the emitter circuit.

Xavier discloses an adjustable voltage gain amplifier using switches in the emitter circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is (703) 308-4800. The examiner can normally be reached on Mon-Thur 0630-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (703) 308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7722 for After Final communications. In addition, the official TC2800 RightFAX numbers are Before-Final (703-872-9318) and After-Final Fax numbers (703-872-9319). These RightFAX numbers provide the fax sender with an auto-reply fax verifying receipt of their fax by the USPTO.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

March 13, 2003

Robert Pascal

Supervisory Patent Examiner Technology Center 280